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February 2, 2005

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20024

Subject: In the Matter of Implementation of Pay Telephone Provisions
CC Docket No. 96-128

Dear Madam Secretary:

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. Section 1.1206, we hereby provide you with notice of an oral ex-parte presentation in connection with the above-captioned proceeding. On February 2, 2005, the undersigned counsel spoke with John Stover by telephone as counsel for the Northwest Public Communications Council ("NPCC"). We discussed the pending petitions for declaratory ruling filed in Docket 96-128 by the IPTA, SPCA, and IPANY. Counsel reiterated arguments NPCC made in the record of the proceeding and urged the Commission to issue a declaratory ruling.

Counsel also advised the Commission of related actions taking place with regard to Qwest. In connection with the call, we provided the following materials to Mr. Stover by e-mail regarding the Qwest actions discussed:

1. Decision of the Oregon Court of Appeals in *Northwest Public Communications Council v. Qwest*, 100 P.3rd 776 (2004).
2. Appellants' and Respondent's opening Ninth Circuit Briefs filed in *Davel, et al. v. Qwest*.
3. Complainant's Opening and Reply Briefs and Respondent's Brief to the Oregon PUC regarding cross-motions for summary judgment in *Northwest Public Communications Council v. Qwest*.

Counsel discussed the arguments and counter-arguments in the materials provided, specifically defenses to refund based on the filed tariff doctrine, res judicata, and Qwest's alleged non-

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reliance on the Bureau waiver order entered in this docket on April 15, 1997. Copies of the materials provided are attached to this electronic filing.

We trust you will find this information to be useful. Should you have any questions or require any additional information, please contact the undersigned counsel directly.

Very truly yours,

A handwritten signature in cursive script that reads "Brooks E. Harlow".

Brooks E. Harlow

cc: Mr. John Stover